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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/964,962	09/27/2001	Craig Paulsen	IGT1P267/P-577	2536

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EXAMINER
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NGUYEN, DAT

ART UNIT	PAPER NUMBER
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3714

DATE MAILED: 12/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/964,962

Applicant(s)

PAULSEN ET AL.

Examiner

Dat T. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 27-86 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 27-86 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. This office action is in response to the amendments filed on July 14, 2006 in which applicant amends claims 27, 33, 37 and 72 and responds to claim rejections. Claims 27-86 are pending.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 27-31, c33-36, 38-43, 45-76 and 78-86 are rejected under 35 U.S.C. 103(a) as being unpatentable over Griswold et al. (US 6,027,115) in view of Acres et al. (US 6,008,784) in view of Universal Display: FOLED Technology in further view of Business Week 2000: The Tube.

The rejection as state in office action paper no. 05022006 is maintained and incorporated herein.

Claims 32, 37, 44 and 77 are rejected under 35 U.S.C. 103(a) as being unpatentable over Griswold et al. (US 6,027,115) in view of Acres et al. (US 6,008,784) in view of Universal Display: FOLED Technology in view of Business Week 2000: The Tube and in further view of Fiechter et al. (US 6,743,102).

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The rejection as state in office action paper no. 05022006 is maintained and incorporated herein.

***Response to Arguments***

Applicant's arguments filed July 14, 2007 have been fully considered but they are not persuasive.

Applicant alleges Griswold et al. does not disclose changing the gaming symbols because the electroluminescent display elements are fixed. Examiner agrees, however one must consider the combination in its entirety; in which case the combination of prior art would provide such a capability. The combination of Griswold, Acres, FOLED or Griswold, Acres, FOLED and Business Week 2000 would produce a device capable of "selecting from a plurality of game play indicia and indicium to display on the flexible display wherein combinations of a selected set of game play indicia including the indicium are used to display outcomes for a slot game played on the gaming machine using the reel and the flexible display... and dynamically changing the indicium displayed on the flexible display during the operation of the gaming apparatus such that the first indidium displayed at a first time on the flexible display is removed from the flexible display at a later time."

Applicant states that there is no reason to provide, "a memory adapted for storing programming instructions or information for generating the game play indicia including the indicium." Examiner respectfully disagrees. It is notoriously well known in the art to provide memory adapted for storing programming instructions for gaming devices. The device of Griswold would still need a memory device adapted for storing programming

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instructions on controlling the other functions of the gaming machine such as where to stop the reels.

Applicant further alleges that Acres, Universal display, and Business Week make no mention of their application to gaming and therefore the combination is invalid.

Examiner respectfully disagrees. Acres teaches a display of LED's for use on gaming machines which is sufficient to say the two are of analogous art. Universal display teaches FOLED technology for application in areas where flat panel displays have traditionally been used; furthermore, it is notoriously well known in the art to use flat panel displays for gaming applications. Finally Business week discloses The Tube, a laptop computer, which is well known for being used for gaming applications.

Applicant further requests the examiner to provide the teachings for the motivation to combine the following references. One would be motivated to combine the references for a plurality of reasons as discussed the above office action. Examiner will also provide more motivation to combine as well as teachings as requested by the applicant. One would be motivated to combine Griswold with Acres because the device of Acres allows a greater amount of symbols to be displayed as opposed to the set amount of symbols found in the reels of Griswold because increasing the amount of symbols per reel would allow casinos to provide the player with a larger jackpot amount whereby increasing player interest and excitement (Griswold, col. 1, lines 5-67 and col. 2, lines 1-11). Furthermore, the use of flat panel displays is notoriously well known in the art, however the flexible dynamic display means such as those disclosed in Universal Display and Business Week allows game designers to provide another

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feature for players, which is the application of dynamic display means onto mechanical reels. The use of dynamic display means as discussed above and in the Acres reference has allowed casinos to offer players high jackpots, however one would be motivated to further combine the flexible dynamic display means with the mechanical reels of Griswold in order to provide players with the charm and excitement of the traditional slow machine as discussed in Heidel (US 5,524,888) (col. 1, lines 45-70 and col. 2, lines 1-70).

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dat T. Nguyen whose telephone number is 5712722178. The examiner can normally be reached on M-F 8am-5pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John M. Hotaling can be reached on (571)272-4437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Dat Nguyen

 12/6/06  
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